



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	SB0263	Title:	Revise public defender laws
Primary Sponsor:	Shockley, Jim	Status:	As Amended

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$79,085	\$76,485	\$76,485	\$76,485
Revenue:				
General Fund		Unable to be Determined		
Net Impact-General Fund Balance:	<u>(\$79,085)</u>	<u>(\$76,485)</u>	<u>(\$76,485)</u>	<u>(\$76,485)</u>

Description of fiscal impact:

This bill would create additional workload for the Office of the State Public Defender's (OPD) attorneys and administrative staff. Staff would meet with clients to advise them of their rights as they prepare to undergo a process whereby a judge makes a determination as to a client's ability to reimburse the state for providing them with legal defense services. Also, the amount of time spent by attorneys in hearings would increase as judges undergo a process to determine if a client convicted of a crime in fact has the ability to reimburse the state and by what amount.

There will be revenue associated with this bill but there is no way to determine either how much this would be or the timing of its collection.

FISCAL ANALYSIS**Assumptions:****Office of the State Public Defender**

1. The agency assumes that this bill affects only criminal cases in district courts assigned to the agency. The number of new district court criminal cases worked by the agency's attorneys during FY 2008 was 5,523. Of these cases, we assume that 941 cases were in jurisdictions that already hold a hearing to determine the individual that is charged with a crime ability to reimburse the state. Therefore, the net number of new cases would be reduced by 941 to 4,582. Of the 4,582 cases the agency assumes that about 80 percent would have judgments whereby the reimbursement would be assessed or on 3,666 cases. The agency assumes that it would take approximately 15 minutes per case or one-quarter of \$60 per hour to provide advice to clients of their rights which results in a fiscal impact of \$54,990.
2. **Staff Attorney Process:** Currently OPD has received and recorded in its books and records several hundred judgments between July 1, 2006 and February 28, 2009. The agency assumes that this bill will create more accounting and tracking. The agency also assumes that district court judges will ask the agency to report staff attorney time (and not contract attorney time) as well as non-attorney 3rd party costs. The agency estimates that it will need 0.50 FTE to do this work. The amount for this FTE is \$21,495. An additional \$2,600 would be incurred the first year for basic setup costs.

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<u>Fiscal Impact:</u>				
FTE	0.50	0.50	0.50	0.50
<u>Expenditures:</u>				
Personal Services	\$21,495	\$21,495	\$21,495	\$21,495
Operating Expenses	<u>\$57,590</u>	<u>\$54,990</u>	<u>\$54,990</u>	<u>\$54,990</u>
TOTAL Expenditures	<u><u>\$79,085</u></u>	<u><u>\$76,485</u></u>	<u><u>\$76,485</u></u>	<u><u>\$76,485</u></u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$79,085	\$76,485	\$76,485	\$76,485
<u>Revenues:</u>				
General Fund (01)		Unable to be Determined		
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$79,085)	(\$76,485)	(\$76,485)	(\$76,485)

Sponsor's Initials_____
Date_____
Budget Director's Initials_____
Date